UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/58
10 February 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General in accordance with paragraph 10 of General Assembly resolution 45/167

Introduction

1. In its resolution 45/167 of 18 December 1990 entitled "Regional arrangements for the promotion and protection of human rights", the General Assembly, "bearing in mind that regional instruments should complement the universally accepted human rights standards and that the persons chairing the human rights treaty bodies of the United Nations noted during their third meeting, held at Geneva from 1 to 5 October 1990, that certain inconsistencies between provisions of international instruments and those of regional instruments might raise difficulties with regard to their implementation", noted with interest, inter alia, "that various contacts between regional bodies and commissions and the United Nations have continued to be pursued and strengthened through advisory services and technical assistance activities, particularly those relating to the organization of regional and subregional training courses in the field of human rights".

2. In the same resolution, the General Assembly invited "States in areas where regional arrangements in the field of human rights [did] not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machineries for the promotion and protection of human rights", and endorsed "the appeal made to all Governments in Commission on Human Rights resolutions 1989/72 and 1990/58 to consider making use of the possibilities offered by the United Nations of organizing,

under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs".

3. The Assembly further requested "the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services, and to make, where necessary, the relevant recommendations". The Assembly invited "the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session, and to the General Assembly at its forty-seventh session, a report on the state of regional arrangements for the promotion and protection of human rights, and to include therein the results of action taken in pursuance of the present resolution". The present report is submitted to the Commission in pursuance of the invitation made by the General Assembly to the Secretary-General.

ENCOURAGEMENT OF CONTACTS BETWEEN REGIONAL BODIES AND THE UNITED NATIONS

4. The Centre for Human Rights, taking into consideration the directives of the relevant United Nations organs that regional arrangements for the promotion and protection of human rights should contribute to the effective enjoyment of human rights and fundamental freedoms, pursued and strengthened its contacts and cooperation with the established regional organizations in the field of human rights, namely the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU), the Inter-American Commission and Court on Human Rights of the Organization of American States (OAS) and the European Commission and Court of Human Rights, with a view to exchanging information and experiences in the field of human rights. The Centre for Human Rights also continued to collaborate with other institutions and organizations, such as the Commonwealth Secretariat Human Rights Unit, the International Institute of Human Rights at Strasbourg, France, the Institute of Humanitarian Law at San Remo, Italy, the Interamerican Institute of Human Rights at San José, the Andean Commission of Jurists at Lima, the African Centre for Democracy and Human Rights Studies at Banjul, the Arab Institute of Human Rights at Tunis, the International Centre for Sociological, Penal and Penitentiary Research and Studies at Messina, Italy, the International Institute for Higher Studies in Criminal Science at Siracusa, Italy, the Institute Henri Dunant at Geneva, the Raoul Wallenberg Institute of the University of Lund, Sweden, as well as the United Nations Economic and Social Commission for Asia and the Pacific.

5. Information is exchanged on a regular basis between the United Nations and the regional organizations regarding the status of ratifications of human rights instruments developed under each system. Following the recommendation of the Preparatory Committee for the World Conference on Human Rights at its first session that in the future updates of the publications Human Rights: A Compilation of International Instruments and Human Rights: Status of International Instruments should include the texts of regional instruments on human rights, the Centre contacted the Council of Europe, the Organization of American States and the Organization of African Unity and is collecting the relevant texts.

6. In 1991, the Centre continued to pursue and strengthen, through its advisory services and technical assistance activities, the promotion of human rights in the various regions of the world in order to promote an exchange of information and experience in the field. These activities are described in detail in the report of the Secretary-General on advisory services in the field of human rights (E/CN.4/1992/49). The report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, prepared pursuant to Commission resolution 1991/28, is contained in document E/CN.4/1992/24. Therefore, only a brief summary of the activities which are relevant to the subject of this report will be given in the present document.

7. Under the Centre's fellowship programme in human rights, 41 nationals from all parts of the world, mainly from developing countries, spent six weeks in 1991 in Strasbourg and Geneva studying the United Nations, African, American and European systems for the protection and promotion of human rights.

8. The Centre, in cooperation with the Department of Public Information (DPI), continued its efforts to ensure comprehensive documentation and reference services in human rights at the libraries of United Nations information centres in various regions of the world. In this context, a basic list of reference and information materials on human rights was developed and basic human rights documentation sent in accordance with the replies to a questionnaire sent to information centres around the world. Details of these activities are contained in the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1992/22).

9. Mention should also be made of General Assembly resolution 46/124 entitled "National institutions for the protection and promotion of human rights", which emphasizes the importance of the Declaration of Human Rights, the International Covenants on human rights and other international instruments for promoting respect for and observance of human rights and fundamental freedoms. In that resolution the Assembly requested the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance, public information and education in the field of human rights. It also requested the Centre to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources within the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

A. Africa

10. The United Nations and regional systems for the promotion and protection of human rights were dealt with in a number of training courses and workshops organized by the Centre for Human Rights in cooperation with the African Commission on Human and Peoples' Rights. These included the Training Course for French-speaking African Countries, held at San Remo, Italy from 11 to 15 March 1991 and the International Seminar on Human Rights Standards and the Administration of Justice, held at Cairo from 8 to 12 July 1991, with the

participation of 41 African countries. International and regional human rights instruments and mechanisms for the protection and promotion of human rights were studied at the Human Rights Workshop held at Windhoek from 16 to 24 February 1991, which was organized by the Raoul Wallenberg Institute in cooperation with the Centre for Human Rights.

11. The Centre continued to develop its programme of technical cooperation with the African Commission with a view to strengthening its infrastructure. The Centre also assisted the African Centre for Democracy and Human Rights Studies at Banjul. One of the activities that resulted from this support was the issue of the publication National Human Rights Institutions in Africa. The assistance provided by the Centre to the Arab Institute of Human Rights at Tunis also continued to be strengthened during 1991.

B. Asia and the Pacific

12. The Asian and Pacific Region is the only region within the United Nations system which still lacks a regional arrangement and a regional machinery for the promotion and protection of human rights. Adherence to United Nations human rights instruments by Member States of that region is also one of the lowest among the regions of the United Nations system. The question of regional machinery for the promotion and protection of human rights was discussed at the Seminar on National, Local and Regional Mechanisms for the Promotion and Protection of Human Rights in the Asian Region, which was held in Colombo in 1982, and at the regional seminar on the teaching of human rights, which took place at Bangkok in 1987. Both seminars were organized by the Centre for Human Rights under its programme of advisory services.

13. In 1991, the Centre for Human Rights continued its cooperation with the Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP) for the establishment of a depository centre for United Nations human rights materials within the Commission at Bangkok. In this connection, the Centre notified the Executive Secretary of ESCAP of the contents of resolution 1991/28. In addition, fewer Member States of that region have ratified international human rights instruments than in any other region.

14. Pursuant to that resolution, the Secretary-General solicited information from United Nations development agencies in the region. The information received is found in paragraphs 4 to 22 of the report of the Secretary-General (E/CN.4/1992/24). Also in accordance with that resolution, the Secretary-General consulted the following Member States of the region: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Japan, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, New Zealand, Pakistan, Papua New Guinea, the Philippines, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Vanuatu and Viet Nam. As of 31 January 1992, only the reply from Brunei Darussalam had been received (See E/CN.4/1992/24, paras. 24-26).

15. In cooperation with the Government of Indonesia, the Centre for Human Rights organized a human rights workshop in Jakarta from 21 to 22 January 1991. The workshop reviewed the United Nations system for the promotion and protection of human rights, including international monitoring and implementation procedures, and the role of national institutions for the

promotion and protection of human rights. A regional workshop to deal with the question of national institutions for the promotion and protection of human rights and to review the United Nations system, as well as the European, American and African regional systems, was to have taken place in Jakarta at the end of 1991, but it had to be postponed. That regional workshop would have dealt with the same topics as those taken up at the Manila workshop which was held in 1990 in the Philippines and which served to promote the establishment of a regional arrangement in the Asian and Pacific region. The Centre also organized a national training course on international human rights standards and national legislation at Ulaanbaatar from 28 October to 1 November 1991.

C. Europe

16. The collaboration between the United Nations Centre for Human Rights and the Council of Europe continued to be strengthened during 1991. The Centre participated in a number of activities organized by the Council of Europe, including seminars and conferences held at Strasbourg and Lisbon. Similarly, the Council of Europe took part in workshops and training courses organized by the Centre for Human Rights. Within this context, mention should be made of the National Workshop on International Human Rights Instruments and Reporting Obligations organized by the Centre for Human Rights in Moscow from 26 to 30 August 1991. The Workshop provided an opportunity for an exchange of information on the implementation of international human rights standards.

17. Regional mechanisms for the promotion and protection of human rights were extensively discussed during the International Workshop on National Institutions held in Paris from 7 to 9 October 1991 by the Centre for Human Rights, in cooperation with the French National Consultative Commission. The regional mechanisms developed in Europe, in the Americas and in Africa, in particular the Inter-American Court of Human Rights, the European Court of Human Rights and the African Commission on Human and Peoples' Rights, were discussed during the Workshop.

18. Furthermore, the Centre for Human Rights organized, in Barcelona, Spain from 13 to 17 January 1992, an international conference within the context of the Conference on Security and Cooperation in Europe, with the participation of the Council of Europe, during which various mechanisms at the level of the United Nations and the Council of Europe were discussed.

19. Cooperation was also strengthened between the Centre and the Council of Europe in the provision of assistance to Central and Eastern European countries. Mention should also be made of the training course for law enforcement officials organized by the Centre at Valletta from 9 to 19 December 1991, which included specific sessions dealing with United Nations international instruments on human rights, mechanisms and procedures, during which the European regional system was also discussed.

D. Latin America

20. The cooperation between the Centre and the Organization of American States resulted in a better knowledge of the human rights situation in a number of Latin American countries, as well as of the improvement of

procedures. The basic aspects of human rights and the administration of justice were studied in the training courses organized by the Centre in Caracas (25-28 June 1991) and Brasilia (17-19 June 1991). The application of United Nations human rights mechanisms and procedures and the complementary nature of those developed by the Organization of American States at the regional level are part of the technical assistance projects that the Centre is executing in Paraguay and Uruguay.

21. The Inter-American and United Nations systems for the protection and promotion of human rights were among the topics discussed at the Latin American Seminar on Human Rights, Democracy and Economic and Social Development, organized by the Centre for Human Rights and held in Santiago de Chile from 9 to 13 December 1991.

22. Following consultations within the Centre for Human Rights and the Organization of American States in March 1991, the Centre and the secretariat of OAS envisaged the possibility of establishing human rights centres for documentation and training in the region. Such centres would work for the implementation of United Nations and OAS human rights instruments, through public awareness and the organization of training courses and seminars. Discussions are under way with OAS to explore the possibility of an OAS State member working at the Centre for Human Rights in connection with the 1993 World Conference on Human Rights.

23. Mention should be made of the meeting which took place between the Secretariats of the United Nations the Organization of American States to promote better coordination and collaboration between the two organizations. The Centre for Human Rights participated in this meeting, which took place in New York in May 1991. In addition, the Centre participated in a number of human rights-related meetings organized in the various regions at which it informed participants about United Nations human rights standards, mechanisms and procedures and distributed information.

* * *

24. During the period covered by the medium-term plan 1992-1997, the Secretary-General will continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights. In this connection, the Centre for Human Rights will continue to organize national, regional and subregional workshops and training courses for administrators of justice and government officials engaged in the implementation of the International Covenants on human rights. It should be pointed out, however, that the resources available under the regular budget are insufficient to respond to all the requests of United Nations human rights bodies and those emanating directly from governments.

25. The Centre for Human Rights and DPI will continue the production and dissemination of local language versions of the Universal Declaration of Human Rights and provide United Nations information centres with relevant documentation.

26. The Commission may wish to encourage States parties to the International Covenants on human rights and other human rights instruments to translate them

into local languages and to disseminate them as widely as possible. The Commission may also wish to invite organizers of regional meetings in preparation for the World Conference on Human Rights to include in their respective agendas an item dealing with the interrelation between and complementarity of universally acccepted human rights standards (Universal Declaration of Human Rights, the International Covenants and other United Nations conventions) and regional human rights instruments. Within this context, the preparatory meeting of the Asian and Pacific region for the World Conference in 1993 could consider possible actions aimed at the establishment of a suitable regional machinery for the promotion and protection of human rights.

27. The report of the Secretary-General to the forty-seventh session of the General Assembly on the state of regional arrangements for the promotion and protection of human rights could include the status of ratifications by Member States of the principal international human rights instruments of the main human rights instruments adopted by the respective regional organizations.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/59
7 January 1992

ENGLISH
Original: RUSSIAN

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Item 18 of the provisional agenda

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Letter dated 2 December 1991 from the Permanent Representative of Ukraine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to forward (enclosed) the text of the Declaration on the Rights of Nationalities in Ukraine passed by the Ukrainian Parliament on 1 November 1991. This document has attracted great attention from many members of the Commission [on Human Rights] and of the working group on the rights of persons belonging to national, ethnic, religious and linguistic minorities which resumed work on 2 December 1991.

[Signed] Andrei OZADOVSKI
Permanent Representative of Ukraine

GE.92-10085/8300a

DECLARATION ON THE RIGHTS OF NATIONALITIES IN UKRAINE

The Supreme Council of Ukraine,

Proceeding from the Declaration of Sovereign Statehood of Ukraine and the Act proclaiming the independence of Ukraine,

Guided by the Universal Declaration of Human Rights and the international accords on individual rights and freedoms that Ukraine has ratified,

Seeking the consolidation in an independent, democratic Ukraine of the hallowed principles of liberty, humanism, social justice and equal rights for all the [constituent] ethnic groups of the people of Ukraine,

Bearing in mind the fact that citizens of more than 100 nationalities, constituting, together with Ukrainians, the 52 million-strong population of the country, inhabit Ukrainian territory,

Adopts the present Declaration on the Rights of Nationalities in Ukraine:

Article 1

The Ukrainian State guarantees all peoples, national groups and citizens inhabiting its territory equal political, economic, social and cultural rights.

Representatives of peoples and national groups shall be elected on an equal footing to organs of State power at every level and may hold any post in organs of government, businesses, institutions and organizations.

Discrimination on grounds of national traits is prohibited and punishable by law.

Article 2

The Ukrainian State guarantees all nationalities the right to maintain their traditional [patterns of] settlement and shall make provision for national administrative entities; it undertakes to create the requisite conditions for the development of all national languages and cultures.

Article 3

The Ukrainian State guarantees all peoples and national groups the right to make free use of their native languages in all areas of public life, including education, production and the acquisition and distribution of information.

The Supreme Council of Ukraine interprets article 3 of the Act "On Languages in the Ukrainian SSR" to mean that within administrative-cum-territorial entities densely inhabited by [persons of] a particular nationality, their language may be used alongside the State language.

The Ukrainian State shall safeguard the right of its citizens to make free use of the Russian language. In districts densely inhabited by [members of] several national groups, any language acceptable to the entire population of the area may be used alongside Ukrainian, the State language.

Article 4

The right of all Ukrainian citizens of every nationality to profess their religion, make use of their national symbols, celebrate their national holidays and take part in their peoples' traditional rituals is guaranteed.

Article 5

Monuments to the history and culture of peoples and national groups in Ukrainian territory shall be protected by law.

Article 6

The Ukrainian State guarantees all nationalities the right to establish their own cultural centres, societies, regional associations and amalgamations. Such organizations may engage in activities with a view to the development of their national culture, organize mass events as permitted by law, help to establish national newspapers, periodicals, publishing houses, museums, artists' collectives, theatres and film studios.

Article 7

National cultural centres and societies and members of national minorities shall have the right to unrestricted contact with their historical homelands.

SUPREME COUNCIL OF UKRAINE
1 November 1991

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/60
7 January 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note by the Secretariat

The Permanent Mission of Iraq to the United Nations Office at Geneva, by note verbale dated 25 November 1991, requested the circulation of a document of the Security Council (S/232/2) of 12 November 1991. The document will be available at the forty-eighth session of the Commission on Human Rights.

GE.92-10109/2705H

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/61
7 January 1992

Original: ARABIC/ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Item 15 of the provisional agenda

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 5 December 1991 from the Chargé d'Affaires of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

I have the honour to enclose herewith the Arabic and English text of a statement issued on 2 December 1991 by the People's Committee for Foreign Liaison and International Cooperation in response to a joint American and British statement issued on 27 November 1991 in relation to the regrettable incident that led to the crash of Pan American flight 103 over the village of Lockerbie.

It is to be noted that the joint decision to accuse two Libyans in the bombing of the Pan Am flight is not based on any evidence or proof and the precondemnation by way of the media and without just trials contradict what is laid down in all constitutions and human rights instruments, particularly the International Covenant on Civil and Political Rights.

I would be grateful if this letter could be distributed as an official document of the Commission on Human Rights under item 15 of the provisional agenda of its forty-eighth session.

(Signed): Ibrahim Abdul-Aziz OMAR
Chargé d'Affaires

1. The United States Administration and the British Government issued a statement on 27 November 1991 in relation to the regrettable incident that led to the crash of the Pan American flight 103 over the village of Lockerbie, Scotland ... a statement which confirms a premeditated intention to achieve political goals aimed against the popular political system of Libya. Using the media as a means of communication does not help to resolve problems between States ... it is a means of conduct that cannot be endorsed in international relations, because dialogue through diplomatic channels is the ideal and most successful method.

Since the joint United States-British statement has jumped to verdicts, informed of a premeditated intention of aggression, and imposed defined conditions, it is not based on international legitimacy or international law and contradicts with the United Nations Charter.

The decision to accuse two Libyans in the bombing of the Pan Am flight is not based on any evidence or proof and the precondemnation by way of the media and without just trials contradicts what is laid down in all constitutions and human rights charters, which is "the accused is innocent until proven guilty". In other words, the United States Administration and the British Government are trying to convince the world, by way of statements and the use of the media, that the accusation is a firm judicial verdict.

2. If the issue of the incident of Pan Am flight 103 relates to the implementation of law in accordance with judicial procedures, then Libya sees that the investigation into the matter follows the law of criminal procedures issued in 1953 by way of an investigating Libyan judge, since the matter concerns Libyans. Libya accepts that judges from Britain and America participate with the Libyan judge in the investigations to make sure that the procedures are done in an unbiased and good manner. International organizations, human rights societies and the families of the victims can send observers or lawyers to attend the investigations. Those States, or any other requesting party, can look into the process of investigation. The investigating judge will take into consideration obtaining the previous investigations carried out regarding the incident, including those in Scotland and the District of Columbia.

The specialized authorities in Libya will cooperate fully with the Scottish and American investigators to arrive at the truth.

In addition, Libya declares its acceptance of the formation of a neutral international investigation committee to carry out that investigation.

Taking any of the above-mentioned measures would prevent rushing into issuing verdicts against individuals, in violation of the law recognized by all of the constitutions in the world and by the human rights charters, that proclaim the accused is innocent until proven guilty.

If the matter, however, is related to political differences between Libya, on the one hand, and the United States and the United Kingdom on the other hand - which we believe the case to be - then the discussion of these differences should be conducted on the basis of the Charter of the United Nations which forbids aggression or the threat of aggression and

which calls for settling disputes by peaceful methods, including negotiations. If direct dialogue is unattainable because of the absence of diplomatic relations between Libya and the United States and the United Kingdom, by their unilateral severing of these relations, then the dialogue can be carried out by way of one or more parties within the context of the United Nations.

3. The non-acceptance of the two above-mentioned methods and resorting to the method of statements and the use of the media does not only affect public opinion in a wrong and untruthful way, but it has an effect on the investigators, the judges and the accused. It prevents the investigators from carrying out their tasks in unbiased and neutral circumstances, prevents the judges from conducting fair trials and deprives the accused of just and unbiased trials which contradicts basic human rights.

On the other hand, the method of issuing statements which reach the point of warning and imposing conditions clearly contradicts the United Nations Charter and is a method that cannot be accepted or endorsed in the relations between sovereign States.

4. Libya, by issuing this statement, sees that it has clarified the situation with regard to the regrettable incident involving Pan Am flight 103 and it adheres to implementing the law and its sovereignty without disregarding the rights of those upon which accusations have been made or the rights of the regrettable victims, their families and their relatives. It also adheres to the rules of recognized international relations without disregarding the sovereignty of any States.

2 December 1991